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INFO RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE

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SENSITIVE

SIPDIS

E.O. 12958: N/A

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SUBJECT: PF DROPS ELECTION CHALLENGE

REF: 08 Lusaka 1065

¶1. (U) The Zambian Supreme Court has ruled against the opposition Patriotic Front (PF) party's petition for a recount of the October 2008 presidential by-election votes. PF leadership and cadres have accepted the March 11 ruling relatively quietly and abandoned any appeal, although in usual form, PF President Michael Sata claimed foul play, speculating that the case outcome had been "predetermined."

¶2. (U) The PF's petition challenged the election of President Rupiah Banda, requesting a recount of votes cast in the by-elections held on October 30, 2008. Sata alleged that there were discrepancies between the vote counts at various polling stations and the totals received at the Electoral Commission of Zambia (ECZ) Results Centre. PF therefore applied to the court to order a recount of votes in all the 150 parliamentary constituencies.

¶3. (U) In its ruling, however, the Supreme Court dismissed the application on the basis of insufficient evidence. The outcome was unsurprising to many familiar with the case, who observed the relative weakness of PF's case during the court proceedings (reftel). Apart from some written evidence, adduced in affidavits relating to only 24 constituencies, the party failed to produce any evidence to support the remaining 126 constituencies. Even for the 24 constituencies, the party failed to produce witnesses to testify in court.

¶4. (SBU) Comment: On numerous occasions, Poloff discussed the case with senior PF leaders. Although convinced of the merits of their case, the leaders had difficulty providing compelling evidence to substantiate their claims. In light of these discussions, the court's ruling appears to be fair. The failed petition, however, appears to have weakened the already divided PF party further. In the lead up to the court ruling, Sata fired PF Secretary General Edward Mumbi, alleging that Mumbi had undermined the party and been partly responsible for the case's failure. Sata's failure to achieve a legal victory, let alone keep his party intact, has weakened his public image. On April 3, a senior PF youth leader told Poloff that a growing number of PF members are increasingly angry at Sata's undemocratic and opaque methods.

Booth